

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>TRAVON JOHNSON,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>C.A. No. 23-252 Erie</b>
	)	
v.	)	
	)	<b>District Judge Susan Paradise Baxter</b>
<b>SUPERINTENDENT RANDY IRWIN,</b>	)	<b>Chief Magistrate Judge Richard Lanzillo</b>
<b>et al.,</b>	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Plaintiff Travon Johnson, an inmate formerly incarcerated at the State Correctional Institution at Forest in Marienville, Pennsylvania (“SCI-Forest”),<sup>1</sup> initiated this civil rights action by filing a *pro se* complaint, pursuant to 42 U.S.C. § 1983, against multiple staff members at SCI-Forest. This matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Although not entirely clear, Plaintiff appears to allege that Defendants violated his constitutional right to access the courts by intentionally confiscating and destroying his legal property, and allegedly did so out of retaliation for some unspecified constitutionally protected activity.

On February 12, 2024, Defendants filed a motion to dismiss Plaintiff’s complaint for failure to state a claim [ECF No. 23]. Plaintiff was granted an extension to file a response to Defendants’ motion by May 3, 2024 [ECF No. 27]; however, he failed to do so.

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<sup>1</sup>  
Plaintiff is currently incarcerated at the Dauphin County Prison in Harrisburg, Pennsylvania.

On July 18, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that Defendants’ motion to dismiss be granted, and that Plaintiff’s complaint be dismissed without prejudice to Plaintiff’s right to file an amended complaint to correct the deficiencies noted within the R&R. [ECF No. 28]. Objections to the R&R were due to be filed by August 5, 2024; however, no timely objections have been received.

Thus, after *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 6<sup>th</sup> day of August, 2024;

IT IS HEREBY ORDERED that Defendants’ motion to dismiss [ECF No. 23] is GRANTED and Plaintiff’s complaint is DISMISSED, without prejudice to Plaintiff’s right to file an amended complaint to correct the deficiencies noted in the R&R within twenty (20) days of the date of this Order. In the event Plaintiff fails to file an appropriate amendment within such time, the Court’s dismissal of Plaintiff’s complaint will be converted to a dismissal with prejudice, and this case will be dismissed without further notice. The report and recommendation of Chief Magistrate Judge Lanzillo, issued July 18, 2024 [ECF No. 28], is adopted as the opinion of the court.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
Chief United States Magistrate Judge